

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Environmental Assessment**

**Water Quality Division**  
**Water Protection Bureau**

**Name of Project:** MDU Lewis & Clark Station

**Type of Project:** Individual permit to discharge from a 50 megawatt privately-owned, coal-fired steam electric generation facility.

**Location of Project:** 35023 Highway 23, Sidney, Montana 59270

**City/Town:** Sidney

**County:** Richland

**Description of Project:**

This is a termination of the Montana Pollutant Discharge Elimination System (MPDES) permit for the MDU Lewis & Clark Station.

**Agency Action and Applicable Regulations:**

The proposed action of DEQ is to terminate the MPDES permit.

Montana Water Quality Act, MCA 75-5-101, *et seq.*

ARM Title 17, Chapter 30, Subchapter 2 - Water Quality Permit Application and Annual Fees.

ARM Title 17, Chapter 30, Subchapter 5 - Mixing Zones in Surface and Ground Water.

ARM Title 17, Chapter 30, Subchapter 6 - Surface Water Quality Standards.

ARM Title 17, Chapter 30, Subchapter 7 - Nondegradation of Water Quality.

ARM Title 17, Chapter 30, Subchapters 12 and 13 - MPDES Standards.

**Summary of Issues:**

MDU Lewis and Clark Station closed in 2021 and outfalls removed during the past year. DEQ intends to terminate the permit pursuant to ARM 17.30.1363(1)(d).

**Affected Environment & Impacts of the Proposed Project:**

*Y = Impacts may occur (explain under Potential Impacts). Include frequency, duration (long or short term), magnitude, and context for any significant impacts identified. Reference other permit analyses when appropriate (ex: statement of basis). Address significant impacts related to substantive issues and concerns. Identify reasonable feasible mitigation measures (before and after) where significant impacts cannot be avoided and note any irreversible or irretrievable impacts. Include background information on affected environment if necessary to discussion.*

N = Not present or No Impact will likely occur. *Use negative declarations where appropriate (wetlands, T&E, Cultural Resources).*

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[N] MDU has closed the permitted outfalls.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[N] MDU has closed the permitted outfalls.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] MDU has closed the permitted outfalls.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] MDU has closed the permitted outfalls.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] MDU has closed the permitted outfalls.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] MDU has closed the permitted outfalls.
7. SAGE GROUSE EXECUTIVE ORDER: Is the project proposed in core, general or connectivity sage grouse habitat, as designated by the Sage Grouse Habitat Conservation Program (Program) at: <a href="https://sagegrouse.mt.gov/">https://sagegrouse.mt.gov/</a> ? If yes, did the applicant attach documentation from the Program showing compliance with Executive Order 12-2015 and the Program's recommendations? If so, attach the documentation to the EA and address the Program's recommendations in the permit. If project is in core, general or connectivity habitat and the applicant did not document consultation with the Program, refer the applicant to the Sage Grouse Habitat Conservation Program.	[N] DEQ has verified the facility is not within core, general, or connectivity sage grouse habitat.
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] MDU has closed the permitted outfalls.
9. AESTHETICS: Is the project on a	[N] MDU has closed the permitted outfalls.

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	
10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Will new or upgraded powerline or other energy source be needed?	[N] MDU has closed the permitted outfalls.
11. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] MDU has closed the permitted outfalls.

<b>IMPACTS ON THE HUMAN ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
12. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] MDU has closed the permitted outfalls.
13. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] MDU has closed the permitted outfalls.
14. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] MDU has closed the permitted outfalls.
15. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] MDU has closed the permitted outfalls.
16. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] MDU has closed the permitted outfalls.
17. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] MDU has closed the permitted outfalls.
18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] MDU has closed the permitted outfalls.
19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] MDU has closed the permitted outfalls.

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
20. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] MDU has closed the permitted outfalls.
21. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] MDU has closed the permitted outfalls.
22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N] MDU has closed the permitted outfalls.
23(a). PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[N]
23(b). PRIVATE PROPERTY IMPACTS: Is the agency proposing to deny the application or condition the approval in a way that restricts the use of the regulated person's private property? If not, no further analysis is required.	[N]
23(c). PRIVATE PROPERTY IMPACTS: If the answer to 21(b) is affirmative, does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives. The agency must disclose the potential costs of identified restrictions.	[N/A]

24. Description of and Impacts of other Alternatives Considered: None.

25. Summary of Magnitude and Significance of Potential Impacts: None

26. Cumulative Effects: None.

27. Preferred Action Alternative and Rationale: The preferred action is to terminate MPDES permit # MT0000302. MDU has requested the permit be terminated..

#### Recommendation for Further Environmental Analysis:

☐ EIS    ☐ More Detailed EA    ☒ No Further Analysis

Rationale for Recommendation: An EIS is not required for the MPDES permit under the Montana Environmental Policy Act because the action to issue (renew) the permit lacks significant adverse effects to the human and physical environment.

28. Public Involvement: A 30-day public comment period will be held.

29. Persons and agencies consulted in the preparation of this analysis: None.

**Approved By:**

Draft

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Jon Kenning, Chief  
Water Protection Bureau

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Date